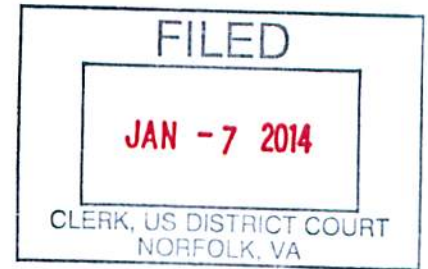


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division



CARRIE S. TRUSSELL,

Plaintiff,

v.

ACTION NO. 4:13cv47

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

FINAL ORDER


Plaintiff brought this action under 42 U.S.C. §§ 405(g) seeking judicial review of the final decision of the Commissioner of the Social Security Administration ("Commissioner"), which decision denied plaintiff's claim for disability insurance benefits ("DIB") under Title II of the Social Security Act.

On July 30, 2013, this matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72(b) of the Federal Rules of Civil Procedure for report and recommendation. Report of the magistrate judge was filed on December 12, 2013, and amended on December 13, 2013. The reports recommend dismissing plaintiff's Complaint without prejudice. By copy of the reports, each party was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. The court has

received no objections to the magistrate judge's report and recommendation, or the amended report and recommendation, and the time for filing same has expired.

The court does hereby adopt and approve the findings and recommendations set forth in the report of the United States Magistrate Judge filed December 12, 2013, and the amended report filed December 13, 2013. Accordingly, defendant's Motion to Dismiss is **GRANTED**; the final decision of the Commissioner is **AFFIRMED**; and the case is hereby **DISMISSED WITHOUT PREJUDICE**. Plaintiff is **NOTIFIED**, to the extent the statute of limitations prevents her from re-filing this action, her dilatory conduct may have effectively rendered this dismissal as one with prejudice. Accordingly, the Clerk shall enter judgment for the defendant.

The Clerk shall forward a copy of this Final Order to plaintiff and counsel for the defendant.

\_\_\_\_\_  
/s/  
Rebecca Beach Smith  
Chief  
United States District Judge   
\_\_\_\_\_  
REBECCA BEACH SMITH  
CHIEF UNITED STATES DISTRICT JUDGE

January , 2014